

Message Text

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E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: QUETICO-SUPERIOR BOUNDARY WATERS REGION

1. DEPARTMENT HAS RECENTLY RECEIVED SEVERAL LETTERS OF COMPLAINT CONCERNING CHANGES IN ONTARIO MINISTRY OF NATURAL RESOURCES REGULATIONS WHICH APPARENTLY BAN THE USE OF MOTOR CRAFT ABOVE TEN H.P. ON BASSWOOD AND OTHER LAKES IN AND ABOUT THE QUETICO-SUPERIOR REGION. AREA IN QUESTION IS WELL KNOWN BOUNDARY WATERS CANOEING AREA WITHIN SUPERIOR NATIONAL FOREST IN U.S. AND QUETICO PROVINCIAL PARK IN ONTARIO. BOTH THE U.S. AND ONTARIO HAVE TAKEN STEPS IN THE PAST TO ASSURE THAT THE PRIMITIVE NATURE OF THIS AREA IS PRESERVED, AND ADDITIONAL STEPS WILL LIKELY BE TAKEN IN THIS RESPECT IN THE FUTURE.

2. COMPLAINTS TO THE DEPARTMENT HAVE BEEN BASED ON CLAIM THAT REGULATIONS ARE CONTRARY TO WEBSTER-ASHBURTON TREATY OF 1842 WHICH GRANTS FREE AND OPEN USE OF ALL WATER COMMUNICATIONS AND PORTAGES TO THE CITIZENS OF BOTH COUNTRIES ALONG THE BOUNDARY WATERS IN THIS REGION. DEPT HAS RE-UNCLASSIFIED

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PLIED ALONG LINES THAT SUCH REGULATION, IN LIGHT OF CHARACTER OF REGION, IS PROBABLY NOT UNREASONABLE AND THEREFORE NOT INCONSISTENT WITH 1842 TREATY (NOR WITH ARTICLE I OF 1909 BOUNDARY WATERS TREATY, WHICH IS ALSO

RELEVANT).

3. MOST RECENT COMPLAINT, FROM MINNEAPOLIS COUNSEL FOR ELY BOUNDARY WATERS RESOURCE COMMITTEE, ALLEGES ONTARIO HAS NOW ACTED TO BAN MOTOR-POWERED CRAFT ON MANY OF THE BOUNDARY LAKES IN THE REGION. THIS COMPLAINT ALSO ALLEGES DISCRIMINATORY ASPECTS TO THESE REGULATIONS, IN THAT THE REGULATIONS HAVE BEEN WRITTEN TO PROTECT CANADIAN OUTFITTERS AND GUIDES, AND ARE NOT APPLICABLE TO CERTAIN LAKES WHICH ARE MORE READILY SERVICEABLE BY THEM THAN THEIR U.S. COUNTERPARTS.

4. IT IS REQUESTED THAT THE CONSULATE GENERAL OBTAIN COPIES OF PERTINENT ONTARIO REGULATIONS AND FORWARD THEM TO THE DEPARTMENT. AFTER EXAMINATION OF REGULATIONS IN QUESTION, THE DEPARTMENT WILL DETERMINE APPROPRIATE RESPONSE. INGERSOLL

UNCLASSIFIED

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